

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS R. BERGBIGLER, JR.,)
Plaintiff)
)
vs.) Civil Action No. 05-957
BUTLER COUNTY PRISON; SGT) Judge Terrence F. McVerry
JOHN HOGAN; CAPT. DAVE WILLIAMS) Magistrate Judge Amy Reynolds Hay
WARDEN GIGLIOTTI,)
Defendants)

ORDER

AND NOW, this 23rd day of May, 2008, after the Plaintiff, Thomas R. Bergbigler, Jr., filed an action in the above-captioned case, and after Plaintiff and Defendants filed Motions for Summary Judgment, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until May 9, 2008 to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Defendants' motion for summary judgment , Dkt. [107] is granted;

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment, Dkt. [101], is denied as moot.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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